REMARKS

The objections raised at pages 1-3 of the office action are overcome by the above amendments, which add references to parent applications, up-date the status of the applications, and correct the dependency of claim 22. In addition, the amendments avoid the phrase "cross-reacts", which was the subject of a rejection of claims 14 and 19 under 35 U.S.C. §112 ¶2 .

The sole remaining issue in the case is a rejection under 35 U.S.C. §112 ¶1, on the basis that the specification does not describe the claimed subject matter in such a way as to reasonably convey to those skilled in the art that the inventors had possession of the claimed invention at filing. The rejection specifically focuses on the definition of the peptide used to react with antibodies to FIV in the sample. The office action complains that the peptide "can be any non-gp-130 FIV polypeptide that reacts with gp-130 antibody." (page 4, lines 4-5). The office action makes the rejection based on the finding that,

> the specification does not ... disclose any cross-reactivity experiments involving gp130 antibody. Rather, the specification only shows that gp130 antibody may be isolated using radioimmunoprecipitation assay. There is no indication that this antibody is capable of cross-reacting with any other peptide, let alone another FIV envelope polypeptide. Accordingly, one skilled in the art could not reasonably conclude that the inventors were in possession of [an] FIV envelope polypeptide that is capable of reacting with gp 130 antibody as claimed.

As amended, the claims no longer specify that the peptide cross-reacts with a gp130 specific monoclonal antibody. The claims now specify that the peptide reacts with envelope protein-binding antibodies in the sample. Basis for this amendment is found in the specification as filed, as follows:

Page 8 line 33 – page 9, line 5

When an ELISA test was performed using disrupted FIV to identify cats possessing polyclonal antibody to FIV polypeptides, and Western blot analysis then performed on feline sera determined to be positive by ELISA, each of the cats had antibodies which reacted with one or more polypeptides of molecular weight ... 40 ... kD under the conditions used.

Page 11, lines 7-11

Sera from experimentally infected cats recognize polypeptides of ... 40 ... and 130 kD. Although there were some quantitative and qualitative differences all cats appear to mount a response to ... gp40... and gp130.

Page 18, lines 12-16

Antibodies to glycoproteins can also be isolated and detected. In particular, antibodies to two glycoproteins of molecular weight 40 kD (gp40) and 130 kD (gp130) [sic which] are detected using PAGE and RIPA respectively.

It is clear from the specification as filed that peptides reacting with envelope protein-binding antibodies in the sample can be used to determine the presence of such sample antibodies.

Upon reviewing the file, applicants noted that they have not received an initialed copy of the enclosed PTO Form 1449 that accompanied an information disclosure statement filed February 19, 2002. Applicants' records show that this information disclosure statement complied with 37 CFR 1.97. Thus, we respectfully request that the examiner initial and return this form as soon as possible.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 3/1/2006

John W. Freeman, Esq.
Reg. No. 29,066

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

21274778.doc